

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JAN 31 2008

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JONATHAN LEE RICHES,
Petitioner,

Civil Action No. 7:08-cv-00058

v.

MEMORANDUM OPINION

PASQUALE G. BARONE, et al.,
Respondent.

By: Samuel G. Wilson
United States District Judge

Petitioner, Jonathan Lee Riches, a federal inmate proceeding pro se, filed this petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. Upon review of the petition, the court finds that Riches is not challenging a state-imposed conviction and, therefore, § 2254 is not applicable.¹ Accordingly, the court dismisses this action.

In his petition, Riches indicates that he is currently housed at FCI Williamsburg, a federal institution, and court records reveal that he is currently in custody pursuant to judgment of the United States District Court for the Southern District of Texas. Riches does not allege that there are any state court judgments against him, and the basis of his petition is that his sentence was improperly enhanced pursuant to the "Federal Sentencing Guidelines." Accordingly, it appears to the court that Riches is attempting to challenge his federal conviction, and therefore, the court finds that § 2254 is not applicable.²

For the reasons stated, the court dismisses Riches' habeas petition.

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to petitioner.

ENTER: This 31st day of January, 2008.

[Signature]

United States District Judge

¹ Section 2254 governs a petition for writ of habeas corpus filed by a person in custody under state-court judgment who seeks a determination that the custody or future custody violates or would violate the Constitution, laws, or treaties of the United States. See Rule 1 of the Rules Governing Section 2254 Proceedings.

² If Riches wishes to challenge the constitutionality of his federal conviction, he may do so in a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, filed in the district where he was sentenced.